

to benefit even further from competition in the multichannel video programming distribution marketplace if cable providers are afforded some of the same opportunities we have made available to satellite. We have to be careful not to tip the balance in favor of one industry over another. This is why the bill includes a provision requiring the FCC to study and report back to Congress in nine months on the impact of retransmission consent and certain blackout rules on competition in the multichannel video programming distribution market and, in particular, on the ability of rural cable television systems to provide their customers with digital broadcast television programming.

Millions of people in rural areas subscribe to cable television service, often from small cable operators. Once again, it is not our intent to create a competitive advantage for one technology over another consumers should not be forced to choose between DBS and cable in order to receive digital broadcast television signals. I look forward to receiving the commission's report and I am confident the committee will give serious consideration to any recommendations for additional legislative action contained therein.

This Congress sent a powerful message today that we understand the importance of the digital transition, and the powerful benefits for public safety, television viewers, innovation, public safety and our economy. I fully expect the momentum of this victory will carry forward into the next Congress where we can build on these great accomplishments for consumers.

TECHNICAL CORRECTIONS TO H.R. 4818

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 528, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 528) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

The Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 4076

Mr. FRIST. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. STEVENS, proposes an amendment numbered 4076.

The amendment is as follows:

At the end of the resolution, insert the following:

Strike Section 222 of Title II of Division H.

The PRESIDING OFFICER. Under the previous order, the amendment at the desk is agreed to, and the concurrent resolution, as amended, is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 4076) was agreed to.

The concurrent resolution (H. Con. Res. 528), as amended, was agreed to.

CONGRATULATING SENATOR STEVENS

Mr. FRIST. Mr. President, I congratulate the Senate Appropriations chairman, our President pro tempore, TED STEVENS. Since 1971, for 34 years, Senator STEVENS has served on the Appropriations Committee, and for the last 8 years, or almost 8 years, he served as chairman of that committee, with a 1-year interruption in 2002 to be its ranking member.

Beginning with the new Congress in January, the chairmanship of the committee will pass to another Senator. So today the chairman has brought to the floor the last appropriations bill under his chairmanship, the Consolidated Appropriations Act of 2005.

It is only appropriate that this final bill was put together—and we all saw it play out over the last several hours, days, and weeks—with the same hard work, the same focus, the same tenacity, and the same perseverance which has characterized his leadership of this committee over the last many years.

I do, on behalf of the Senate Republican caucus—indeed, the entire Senate—say, thank you, Mr. Chairman, for all you have done.

It would be a mistake, also, if as leader I did not recognize the extremely hard work of the chairman's staff under the superb leadership and guidance of the staff director, Jim Morhard. At the end of this Congress, Mr. Morhard will be leaving public service after over 26 years, most of it spent right here in the Senate.

Jim, we thank you for your dedication and your service to Government, to this institution, and to the Appropriations Committee.

There have been a lot of long days and long nights over the last several weeks for staff, and some staff, particularly those on the Energy and Water Appropriations Subcommittee, have literally gone for over 48 hours straight without sleep to bring us to this point today and tonight where we have passed this legislation. I know I speak for all Senators on both sides of the aisle when I say thank you for your work done under some very challenging and very difficult circumstances.

This has also been a challenging year for the budget and appropriations process. We were able, though, in spite of all those challenges, to establish an enforceable \$821.9 billion spending limit for this year. The bill today, along with the other four appropriations bills enacted to date, have lived by that strict spending limit we established.

Total appropriations, excluding defense and natural disaster emergency spending, will increase 3.9 percent over last year with the enactment of the bill that we passed tonight.

More important, appropriations for nondefense, nonhomeland security spending will increase by less than 1.7

percent, and that is the smallest growth in nondefense spending in this area of the Federal budget in nearly a decade.

So, yes, this has been a very tough bill setting priorities and making difficult tradeoffs to stay within the spending limit, while at the same time addressing the priority items, all of which is not easy, to say the least, but within the strict confines of this bill, it does provide \$19.5 billion for veterans medical care, \$16.2 billion for NASA, \$28.6 billion for the National Institutes of Health, and \$57 billion for the Department of Education, among other important, significant domestic programs.

The bill also provides nearly \$3 billion in necessary funding to address the pandemic of HIV/AIDS, and that is \$700 million more than last year. It also provides \$400 million, actually over \$400 million in humanitarian and refugee assistance for Sudan and \$1.5 billion for the Millennium Challenge Account.

Despite the tightness of this budget, Chairman STEVENS and Senator BYRD have brought a great bill before us today, and a great bill has been passed tonight. Yes, we know it does not please everyone; there is no way it possibly could. But it is the final product of this Congress that has been agreed to and a product of which we can be quite proud.

I do appreciate the Senators' support for this bill, and it does bring to completion the fiscal year 2005 appropriations process. Thank you, Chairman STEVENS.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I was reluctant to cast my vote against this bill which has a lot of good things in it, and it is not as bad as some bills that have come through, but I want to share some of my concerns and thoughts tonight.

We have had charges for sometime that we have used accounting gimmicks to get around the budget caps or limits in the bill. This bill's gimmicks are not as bad as we have had in some years, but there are some here, and I think we ought to talk about them.

Our budget for the year was \$821.919 billion for the discretionary account. In order to comply with the budget resolution, this omnibus bill relies on roughly \$1.6 billion in practices that many of us have described as gimmicks. And there is an additional \$400 million in spending that was designated as an emergency which is not subject to the budget limitations. So it is basically \$2 billion over what the budget limit should be, unpaid for and funded by freezing the debt in reality.

How did we get there? An \$821 billion budget was the discretionary spending. The Senate insisted on \$4 billion more in additional spending above the budget resolution. While insisting that spending remain within the overall limit, the administration sought funding for certain Presidential priorities at higher levels than provided either by the House or the Senate. As a result, the omnibus bill pays for this additional spending. I am pleased to say, with an across-the-board cut, across all the accounts, of .8 percent, less than 1 percent, but it did pay for most of that. It reduces the accounts in all bills and helps reduce the amount of debt that would be incurred by this spending bill. While we would prefer to live within our budget, this across-the-board cut is better than increased debt.

However, rather than paying for all of the increases with this across-the-board cut, which we could have done by perhaps having a 1-percent reduction across the board, the bill includes a series of at least four accounting maneuvers.

First, the omnibus bill includes an accounting shift regarding public housing authorities, PHAs.

Currently, the Federal Government subsidizes the operating costs of PHAs. However, the PHAs are on different fiscal years and normally get their full annual allocation at the beginning of their fiscal year, October 1. The omnibus bill will include language requiring all PHAs to convert to a calendar year budget, resulting in \$1 billion in savings for 2005. No cuts, nothing but a maneuvering of the calendar year budget and that would save \$1 billion. But it is not a saving, is it? The effect of the provision is to defer costs into the future to allow for additional spending now and spending that will likely be assumed into the baseline of our spending, and the baseline of spending is very important.

I will take a moment to discuss why baseline is so important. When we increase annual spending by \$2 billion, that is a significant hit to the taxpayer. It does not sound like a lot out of a \$821 billion budget. We have had worse years, I will admit, but still a significant hit.

Next year, when we begin the budget and appropriations season, that \$2 billion will be assumed into the baseline, meaning to fund all the programs at the previous year's level, we will need to spend another \$2 billion.

Second, the bill rescinds roughly \$300 million in defense appropriations. It took \$300 million from defense, raising the concern for some that defense spending may be reduced in priority and we ought not to take anything from defense we cannot fully justify, and I do not think we need to in this time of war take anything from defense.

In addition, it is unclear such a rescission will result in true savings. For instance, the fiscal year 2004 omnibus included a similar \$1.8 billion rescis-

sion of defense and unused emergency spending from post-9/11 to help meet last year's budget resolution. That \$1.8 billion was later restored in the Department of Defense conference report and it was labeled an emergency. So what happened? It is pretty clear, is it not? What happened was that last year we used this reduction of defense by \$1.8 billion and later we declared it an emergency, which means it is not subject to the budget limitations of the budget, and we funded it by increasing the debt. In other words, we went around the budget limits, the budget caps, we agreed to.

Third, the bill relies on new data suggesting that receipts have increased in the Crime Victims Fund by \$283 million. However, CBO, the Congressional Budget Office, does not publish an updated economic outlook until January and thus to have access to such funds it would be necessary to direct CBO to assume such revenues in its scorekeeping.

The committee has left the directed scorekeeping provision out of the text due in part to past objections by some conservatives to such provisions, and thus when a CBO score is finally produced, it will probably result in the omnibus exceeding the budget resolution.

Finally, the omnibus will also include an extra \$300 million for the Low-Income Energy Assistance Program, LIHEAP, another \$300 million beyond the regular appropriations, because of high energy prices. This will be designated as an emergency and it will not be counted against the budget resolution, even though past LIHEAP contingencies have been paid for within the budget parameters. So LIHEAP has been declared an emergency.

I do not think we need to be in a position of saying that simply an increase in the energy prices justifies a \$300 million increase in spending straight to the debt and violating our budget. In addition, the bill provides an additional \$100 million in emergency designations, \$7 million for the Postal Service, and \$93 million for Sudan.

If we measure our spending by maintaining the same rate of increase, we will not only have to spend the \$2 billion next year, but we can assume more than \$2 billion on top just to maintain the rate of increased baseline. So a \$2 billion increase this year becomes a \$4 billion increase next year, or at least an increase in the debt. And this is the way it works: We go over the budget this year by \$2 billion. Then next year, we have to have a budget that funds that same \$2 billion, and if our habits continue the same and our appropriators cannot stay within the \$821 billion or whatever our budget number is next year, and it will be somewhat higher, then we will have another \$2 billion or maybe more through additional gimmicks next year, because I do not think we have ever done an appropriations bill since I have been in the Senate that has been truly honest, without some gimmicks.

Now, I figured this out. If we did it just \$2 billion—and, remember, often we have done worse than this bill and had more than \$2 billion in gimmicks—then the next year there is another \$2 billion plus the \$2 billion we raised up this year, and so it is \$4 billion up, and the next year it is \$6 billion up, and next year it is \$8 billion. Add those to the amounts that have been tapped and hit the country with deficit spending, in over 10 years I calculate it would be \$132 billion. So this \$2 billion a year is not a one-time deal. It tends to become part of the baseline of Federal spending, and as a result of that it grows exponentially over time. That is how we get out of control.

Now, the way we reached a surplus in our budget account and eliminated the deficit throughout the 1990s fundamentally was good control of spending—not perfect but pretty good. Remember, this Congress shut down the whole Government for a while, trying to contain and cut spending. At any rate, over a period of time we did a pretty good job of controlling spending. This year's budget is good on discretionary spending. It is less than a 1-percent increase. I am proud of the Senate for doing that. I am proud of President Bush for supporting it. It was the right decision. We have done a pretty good job of staying with that. But I want to point out that just this \$2 billion excess can make a large difference in the total over a period of years.

If we would remain true to the limits we all agreed to in our budget, the \$821 billion, and we stayed flat at that, it would make a big difference over time, a lot more than people think. If we had not had this offset, which I salute our appropriators and the leadership in this Senate for taking a .8-percent reduction across the board to fund most of this, we would have been in lot worse shape. We got so close. My concern is, why not go all the way? Why not be true to the budget we agreed to, the budget limits we had? If we had done that, I think we could be more proud of our work today.

I conclude by expressing my concern about the budget and the need to stay absolutely true to it. If we will, it will make a huge difference over a period of years in our goal to substantially reduce the deficits that are facing our country. Again, I want to say how much I appreciate the leadership of Senator FRIST, Assistant Majority Leader McCONNELL, and Senator STEVENS for the work they have done on this bill. It is a very difficult job.

We do not need to be doing this every year. My best judgment is that we absolutely need to do a budget that is good for 2 years. We do not need to be doing this every year. We could work more carefully on it, more responsibly, and end up with a spending level we can agree to and not have two opportunities to break it—there would only be one opportunity to break it—and I believe we can make real progress in maintaining fiscal integrity in our Government by doing so.

I yield the floor.

Mr. DOMENICI. Parliamentary inquiry: Is now a time to speak or are we in some kind of special business?

The PRESIDING OFFICER. The Senator may be recognized.

Mr. DOMENICI. I seek recognition, to use 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWO-YEAR BUDGETING

Mr. DOMENICI. Mr. President, I know it is late and there is nobody here. Somehow or another, it seems like, when you have things that are moving along and moving rather slowly, you have to regularly call them to the attention of the Senate.

I do not have anything but great praise for how we got here with this bill. Everybody is saying it could not be helped. Senator REID and I understand. A piece of this bill is ours. We could never get it done until late in the session because it seemed as if nobody wanted to understand the problem we had. We couldn't do the things we were supposed to do because there was a misunderstanding in the budget about how to pay for things. So that was done.

The thing is, if Senators had before them tonight, before this bill, a final vote on a measure that said we are going to do this every 2 years instead of every 1 year, and we are going to do a budget resolution for 2 years, do you know what would have happened? It would have passed with 75 votes because people around here understand we do not have to do this every year. You can do it for 2 years, with 2-year budgets and the right to have, in between those appropriations bills, the special kind of special needs appropriations.

It certainly would not be like it is now. You have those now and you have appropriations every year. You have the supplemental appropriations.

I took this minute to say someone, sometime—maybe before I leave here—will do that. I actually believe the House is ready. They voted on it. They didn't have the bill we would have, but we could go to conference. But I just want to use this last few minutes. Nobody is around and I ought to be out of here at home. I have some new grandchildren at home and they can't watch me at this late hour because they are too little, so I should be gone.

But it is good to have an example. Frankly, I think if we had 2-year appropriations, we wouldn't have this because I think the individual bills would be done, if you had, instead of every year, 2 years to do them. I think we would have a lot of time for oversight and other things we do not do. In fact, my memory is not as good as it was and I can't tell you the percent, but a huge amount of the Senate's voting time and floor time is used for just three things: budget, appropriations,

and supplemental appropriations. That is a huge amount of the time. I don't know how we get all the other things done.

So if we could do it every 2 years, it seems to me we would all be the better for it. We would be less apt to have this kind of thing occur with an omnibus, meaning overall, many—all put in one. I yield the floor.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOY SCOUTS OF AMERICA

Mr. FRIST. Mr. President, in a bit we will be wrapping up. There is a lot of business that is being tended to and it will probably be 30 minutes or so before we officially wrap up. I thought I would address several issues that have come to my attention over the last several days and cover some of the events that have occurred earlier this week.

The first is an issue that leads from what we learned earlier this week when the Department of Defense warned American military bases worldwide to cease officially sponsoring the Boy Scouts of America.

The Department issued its directive in response to a lawsuit filed by the American Civil Liberties Union. The Illinois chapter of the ACLU accuses the U.S. Government of improperly supporting a group which administers a religious oath. The ACLU's legal attack has forced the Defense Department to suspend its decades long tradition of supporting Scouts and it may even prevent Scouts from celebrating their annual jamborees on Defense installations. But it does not stop here.

There is fresh evidence that the ACLU intends to end all Federal support for the Boy Scouts of America. In their view, where there is Government, there cannot be faith. The separation of church and state is a bedrock principle of our Republic, and Americans are grateful that we are free to worship as we choose without Government interference or fear of persecution. But to this legislator, the ACLU's continued attacks on the Boy Scouts is starting to become its own form of persecution.

The Boy Scouts of America is a congressionally chartered organization. It serves a patriotic, charitable, and educational purpose. Furthermore, its support by the Federal Government is outlined in U.S. law. I was a Boy Scout as a young boy in Nashville, TN. All three of my sons, Harrison, Jonathan, and Bryan, have been Boy Scouts here as we have lived in Washington, DC.

We have found, and it is generally accepted, that Boy Scouts and Scouting

is a noble tradition, an honorable tradition, that inculcates the very best of our values. Since its founding in the early 20th century, scouting has served America's communities and families with distinction and with honor. The Boy Scouts and the Girl Scouts promote character in leadership by instilling in our youth values such as honor, duty, charity, integrity. These programs help prepare our young people for the ethical and moral choices that they will face throughout our lives.

It is for these reasons that I introduced a bill called the Save Our Scouts bill to reaffirm our longstanding commitment to the tradition of scouting. The legislation stipulates that no Federal law, including any rule, regulation, directive, instruction, or order shall be construed to limit any Federal agency from providing any form of support to the Boy Scouts of America or Girl Scouts of the United States of America or any organization chartered by the Boy Scouts of America or the Girl Scouts of the United States of America.

Activities supported include holding meetings, jamborees, camporees, or other Scouting activities on Federal property, or hosting or sponsoring any official event of such organization.

I am disappointed that this bill did not pass by unanimous consent, but I am hopeful that in the next Congress common sense will prevail and both Chambers will give their unanimous support to protecting the Scouts.

Scouting has served generations of American boys and girls. It has earned its place in the hearts of millions of Americans who look back fondly, just as I do, on that special time of merit badges, hikes, fellowship, and service. I am confident that we will preserve this honorable tradition for years and generations to come.

INDIVIDUALS WITH DISABILITIES ACT OF 2004

On a separate issue, late last night a very important bill called the Individuals with Disabilities Act of 2004 passed and is now on its way to the President's desk for his signature. Several years ago, I had the opportunity in this body to chair what was then called the Subcommittee on Individuals with Disabilities, and over that Congress, that 2-year period, spent a great deal of time focused on this particular legislation called IDEA, Individuals with Disabilities Education Act.

I commend the Senators from New Hampshire and Massachusetts who have done a tremendous job in their bipartisan work on this very important legislation. There are more than 6.5 million children with disabilities who are served through IDEA, along with more than 430,000 special education teachers. The Individuals with Disabilities Act of 2004 carefully addresses the needs of those disabled children and the schools they attend.

The bill refocuses Federal law on outcomes for disabled children, ensuring that States focus on academic results, not process, while still guaranteeing the rights of the child to be protected.